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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------------|------------------|
| 10/027,843 | 10/19/2001 | Mark DeSilets | US 018172 | 2507 |
| 38107 7590 03/23/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS 595 MINER ROAD CLEVELAND, OH 44143 | | | EXAMINER LAURITZEN, AMANDA L | |
| | | | ART UNIT 3737 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | | MAIL DATE | DELIVERY MODE |
| 3 MONTHS | | | 03/23/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--|--|--|
| Office Action Summary | Application No. 10/027,843 | Applicant(s) DESILETS ET AL. | |
| | Examiner Amanda L. Lauritzen | Art Unit 3737 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3 January 2007.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21, 22 and 24-31 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 1, 2, 30 and 31 is/are allowed.
 6) ☒ Claim(s) 3-19, 21, 22 and 24-29 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 3 January 2007, with respect to the drainage surface being part of the image housing rather than the patient support have been fully considered and would overcome the prior art of record if the claims were rewritten to include this stipulation.
2. Claim 3 specifies a patient access area, but does not specify that this access area is formed while the first and second imaging devices are in a fixed abutting position. Townsend '476 discloses a patient access area between two imaging devices in Fig. 2b. Claim 3 also specifies an arcuate surface as part of the housing of either imaging device, but does not designate a drainage surface. Dinkler '927 teaches an arcuate surface as part of an image housing in Fig. 1. Rejection of claims 3-9 in view of Townsend, Dinkler, and Robinson is maintained.
3. Claim 10 specifies a patient access area while the imaging devices are in a fixed spatial relationship, but does not detail an access area while the imagers are abutting. Claim 10 also specifies a fluid control surface but defines it only as "beneath the patient support structure" and not expressly as part of the imager housing. Rejection of claim 10 in view of Townsend, Dinkler, and Robinson is maintained.
4. Claim 11 includes a patient access area formed between two imaging devices, but does not specify an access area while the imagers are abutting. The arcuate surface is defined as a portion of the housing but is not specified as adapted for fluid drainage. Rejection of claims 11-16 is maintained.
5. Claim 17 specifies a patient access area between the imagers when they are spaced in fixed positions apart from one another, but does not include an access area when the imagers are

in an abutting position. The arced surface is defined as a lower end of the access area, but this is not expressly adapted for fluid drainage. Rejection of claims 17-19, 21-22 and 24-29 are maintained.

DETAILED ACTION

Claim Objections

6. Claim 21 is objected to under 37 CFR 1.75(c) as being an improper dependent claim because it defines apparatus limitations while referring back to a method claim. See MPEP 608.01(n). Appropriate correction is required.

7. Claims 3-19, 21-22 and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Townsend (U.S. Patent No. 6,490,476) in view of Dinkler (U.S. Publication No. 2002/0032927927) and Robinson (U.S. Patent No. 6,637,453).

Townsend et al. '476 teach all the features of the instant invention except for a fluid control surface positioned beneath the patient support structure and between the first and second imaging devices for directing liquids falling onto the surface from the vicinity of the patient support structure away from the subject patient.

In the same field of endeavor, Dinkler '927 teaches a fluid control surface positioned beneath the patient support structure for directing liquids falling onto the surface from the vicinity of the patient support structure away from the subject patient (see paragraph 0051, wherein the opening on the support structure of the patient has an opening 34 for drainage) as well as a lower end of the patient access area with a substantially continuous arced surface underneath the patient (see Fig. 4 and paragraph 0037 wherein patient support member has a curved cross-sectional profile). Robinson '453 teaches a universal fluid control surface or a

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peripheral skirt positioned beneath the patient support structure capable of being placed at any surgical site of interest to drain the surgical area such as between the first and second imaging devices for directing liquids falling onto the surface from the vicinity of the patient support structure away from the subject patient (see Fig. 1 and elements 56 and 52 draining in a curved type manner or arcuate structure into the draining apparatus 20 downward and away from the patient; see also col. 10, lines 49-67 and col. 11, lines 1-19).

It would have been obvious to one skilled in the art at the time the invention was made to have modified Townsend et al. '476 to incorporate the drainage surface in the arcuate shape presented by Robinson '453 through the support table in order to allow for drainage in the imaging area during any diagnostic or surgical procedure, as it is already known to those skilled in the art to incorporate fluid control surfaces in patient support tables of diagnostic imagers, as evidenced by Dinkler '927.

Allowable Subject Matter

8. Claims 1-2 and 30-31 are allowed over the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 1 and 30 distinguish over the prior art in that when the first and second housings are secured in a fixed abutting position to one another, the first and second imaging regions are spaced apart by a distance sufficient to allow access to the patient in combination with the other features recited in the claims.

Claim 2 distinguishes over the prior art in that an opening is formed between the first and second bores through which the caregiver can access the patient when the first and second housings are abutting in combination with the other features recited in the claims.

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Claim 31 distinguishes over the prior art in specifying that the fluid drainage surface is defined as a portion of the first or second imager housing in combination with the other features recited in the claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Branch et al. (US 7,071,692) for an imager adapted for fluid drainage.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda L. Lauritzen whose telephone number is (571) 272-4303. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.

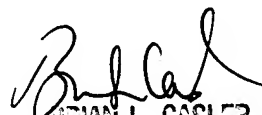
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on (571) 272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



A. Lauritzen
03/12/2007



BRIAN L. CASLER
SUPERVISORY PATENT EXAMINER
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